

Serial No.: 10/036,982
Attorney Docket No.: F-423

Patent

REMARKS

1. Status of Claims

Claims 1-11 were pending in the Application. Applicants have amended claim

1. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added.

Accordingly, claims 1-11 will remain pending in the application.

2. Remand of the Appeal

On pages 2-3 of the Office Action, the Examiner reopened prosecution in view of the June 10, 2005 Remand from the Board of Appeals and applied the suggested rejection under 35 USC section 112. Applicants appreciate the effort to expedite prosecution in the interpretation provided on Page 3. Regarding the Instruction on remand to cite to support in the provisional application underlying Call '664, Applicants note the recitation to FIGs. 1 & 2 with pages 11-18 of the provisional on page 7 of the Office Action. However, Applicants continue to object to the application of Call '664 as applied against the present claims of the application. For example, it is not clear that the cited material of Call '664 (especially Fig. 1 and the location of outgoing mail handler) is supported in the provisional.

3. Rejections under 35 USC § 112

On page 3 of the Office Action, the Examiner has rejected claims 1-11 under 35 U.S.C. 112 as allegedly failing to comply with the enablement requirement.

Applicants have amended claim 1 and respectfully submit that the rejection is moot. With regard to the Examiner's request for a reference to support in the specification for the current claims, Applicants respectfully draw the Examiner's attention to Figures 7a, 7b, 8a and 8b along with paragraphs 46 through 51.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-11.

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4. Rejections under 35 USC § 103(a)

On page 3 of the Office Action, the Examiner rejected Claims 1-11 under 35 U.S.C. 103(a) as allegedly rendered obvious by Lopez, et al. (U.S. Published Patent Application No. 2003/0058099A1) in view of U.S. Patent Application Publication No. 2002/0124664 to Call, et al. (Call '664).

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended claim 1 and respectfully submit that the rejection is moot. As state din the May 5, 2004 Appeal Brief at page 7,

The Examiner cites to Call '664 to show a filtered transition area downstream of the diverter, but Call does not teach or suggest a filter downstream of the diverter. Call '664 does not even appreciate the problem of efficiently scanning for harmful materials and routing the mail such that the process is expedited. Contrary to the position taken by the Examiner, it does not necessarily logically flow that Lopez '099 would apply a detection and clean area. The system of Call '664 does not teach screening and routing in a single integrated system and Lopez '099 does not teach or suggest how to apply a detection and clean area to such an integrated system. The claims of the present invention cannot be used in an application of hindsight to achieve that combination.

Contrary to the Examiner's assertion it is appropriate to describe the benefits of the claimed configuration that are not appreciated by the cited references to further illustrate why the claimed combination is not obvious in view of the references, neither of which appreciate the advantage of nor fairly teach such a division of mail processing equipment between a hazardous detection area and a safer clean area.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-11.

Accordingly, Applicants submit that the invention as presently claimed in claims 1-11 is patentable over the cited references and in condition for allowance.

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5. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

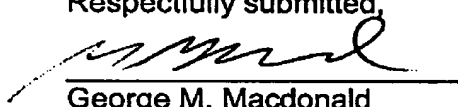
If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

6. Authorization

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-423.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-423.

Respectfully submitted,



George M. Macdonald
Reg. No. 39,284
Attorney for Applicants
Telephone (203) 924-3180
PITNEY BOWES INC.
Intellectual Property and Technology Law Department
35 Waterview Drive, P.O. Box 3000
Shelton, CT 06484-8000